



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC712]

Marine Mammals; File No. 22156

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Douglas Nowacek, Ph.D., Nicholas School of the Environment, Duke University Marine Laboratory, 135 Duke Marine Lab Rd, Beaufort, NC 28516, has applied for an amendment to Scientific Research Permit No. 22156-02.

DATES: Written, telefaxed, or e-mail comments must be received on or before *[insert date 30 days after date of publication in the **FEDERAL REGISTER**]*.

ADDRESSES: The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 22156 mod No. 9 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 22156 mod 9 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Shasta

McClenahan, Ph.D., (301)427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 22156-02 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 22156, issued on May 8, 2020, (85 FR 35637), authorizes the permit holder to conduct research on 31 cetacean species in U.S. and international waters of the North Atlantic Ocean. Species include endangered blue (*Balaenoptera musculus*); fin (*B. physalus*); sei (*B. borealis*); and sperm (*Physeter macrocephalus*) whales. The purpose of the research is to study cetacean behavior, foraging ecology, body condition, health status, population structure, and use of and response to sounds. The permit authorizes surveys by vessel and an unmanned aircraft system (UAS) to approach, count, observe, photograph, remotely measure, and track cetaceans. During surveys, researchers may conduct acoustic playback trials, collect biological samples, and tag (suction-cup or dart) animals, with some species receiving two tags at a time. Non-target cetaceans in the vicinity of research may be unintentionally harassed. Biological samples collected in international waters may be imported into the United States and cell lines may be developed from tissue samples. Two minor amendments to the permit were issued to update biopsy sampling mitigation measures (Permit No. 22156-01; January 29, 2021) and expand the use of UAS to all authorized species (Permit No. 22156-02; May 23, 2022). The permit holder is requesting to amend the permit to allow dart tagging of juveniles and adults of 12 species currently authorized for other research methods: Atlantic spotted dolphins (*Stenella frontalis*); blue whales; bottlenose dolphins (*Tursiops*

truncatus); clymene dolphins (*S. clymene*); false killer whales (*Pseudorca crassidens*); melon-headed whales (*Peponocephala electra*); minke whales (*B. acutorostrata*); pantropical spotted dolphins (*S. attenuata*); pygmy killer whales (*Feresa attenuata*); Risso's dolphins (*Grampus griseus*); sei whales; and short-beaked common dolphins (*Delphinus delphis*). Annual take numbers currently authorized for each species would not increase, but would be reallocated to allow for dart tagging of 50 animals of each species of baleen whale and 30 animals of each odontocete species annually. In addition, the permit holder is requesting to reallocate takes of fin whales to increase the number of whales authorized for dart tagging from 10 to 50 whales per year. The purpose of the amendment is to continue to monitor the movement and distribution of these species along the U.S. East Coast; this is work that was previously conducted with a collaborator under a separate research permit. The amendment would be valid for the duration of the permit, until May 31, 2025.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 18, 2023.

Amy Sloan,

Acting Chief, Permits and Conservation Division,

Office of Protected Resources,

National Marine Fisheries Service.

